



Tennessee Department of Environment and Conservation
Division of Water Pollution Control
Mining Section
3711 Middlebrook Pike
Knoxville, Tennessee 37921-6538
Phone (865) 594-6035 Fax (865) 594-5253

September 18, 2008

**NOTICE OF DETERMINATION
OF NO DEGRADATION**

Rogers Group, Inc.
Lawrenceburg Quarry

NPDES Permit TN0057967
Lawrenceburg, Lawrence County, Tennessee

Dear Interested Citizen:

Rogers Group, Inc., proposes to modify its NPDES permit for the Lawrenceburg Quarry, Processing Facility, and associated asphalt plant located at 2690 Waynesboro Highway (State Highway 64) in Lawrence County, Tennessee. The current permit consists of 131.4 acres. The proposed modification is to add 7.5 acres to the existing facility, bringing the total permitted area to 138.9 acres.

The NPDES permit for this operation authorizes the discharge of treated wastewater and storm water from five existing outfalls (001, 002, 007, 008, and 009) into Crowson Creek. This stream is designated as an Exceptional Tennessee Waters (ETW) from the stream's headwaters to its confluence with Shoal Creek. The ETW designation is based on the stream's location in Davy Crockett State Park and because it is classified as a naturally reproducing trout stream.

Tennessee's Anti-Degradation Policy prohibits degradation of an ETW unless it is determined by the state that a lowering of water quality is necessary to accommodate important economic or social development in the area where the waters are located. The Division must first determine whether or not a new or expanded discharge will result in degradation of high quality state waters. The *Rules* define "de minimis" discharges as those being of small magnitude or a short duration and state that de minimis discharges shall not be considered degradation for the purposes of the antidegradation policy.

The permittee submitted the required information for the permit modification to expand the area of operations including an analysis of reasonable alternatives to surface water

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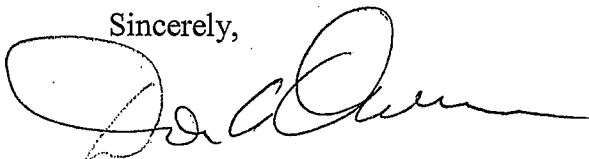
discharge. Based on this information and supporting plans, the Division has determined that the proposed expansion activity will not degrade Crowson Creek and will have no measurable impact on the existing permitted discharges of treated wastewater and storm water.

The reasons for our determination follow:

- 1) The proposed expansion will not require additional treatment facilities or a separate discharge monitoring point. The additional acreage will not require the permittee to increase the frequency or volume of discharges to waters of the state.
- 2) The expansion area is located on the west side of the facility adjacent to State Highway 64. As mining progresses in this direction, drainage from the expansion area will drain to the existing quarry pit for treatment. Crowson Creek is located along the east side of the permit boundary.
- 3) The application and supporting plans indicate that the quarry pit is of sufficient size and capacity to fully accommodate and treat the additional drainage from the proposed expansion area. Drainage from the additional 7.5 acres will drain to the pit for storage and treatment. The pit has a minimum depth of 140 feet. With the water level in the pit to a depth of 18 feet, there are 525 acre-feet of storage available.
- 4) The operator minimizes discharge activity by recycling quarry pit water for processing operations and for dust suppression.

Based on the finding of no degradation, the Division will follow normal review procedures and place the application for permit modification on public notice for a 30-day comment period and issue a draft NPDES permit to the applicant.

Sincerely,



Don A. Owens
NPDES Program Manager
Division of Water Pollution Control
Mining Section

